

ADVANCED GCE UNIT

2578

LAW

Law of Torts 2

MONDAY 18 JUNE 2007

Afternoon

Time: 1 hour 30 minutes

Additional materials: 16-page Answer Booklet



INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Write your answers, in blue or black ink, in the answer booklet provided.
- Answer **two** questions, **one** from Section A and **one** from Section B.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the numbers of the questions you answer on the front of your answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question.
- The total number of marks for this paper is **100 (50 per question)**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This document consists of **2** printed pages.

Answer **two** questions, **one** from Section A and **one** from Section B.

Section A

Answer **one** question from this section.

- 1 “*Rylands v Fletcher* can never be an effective tort because, amongst other things, the meaning of ‘non-natural use of land’ inevitably changes over time and there is too much uncertainty on the meaning of ‘escape’.”

Consider the accuracy of the above statement. [50]

- 2 Discuss the extent to which the tort of trespass to the person effectively protects people from unwanted personal interference. [50]

Section B

Answer **one** question from this section.

- 3 Frank’s wife, Betty, has recently given birth to a baby who they have named Jessica. Frank erects a huge sign in his front garden that reads “Welcome home Betty and Jessica”. The sign is so big that it overhangs the garden of his neighbour, Maureen, by several metres.

Frank promised Betty that he would repair the garden fence while she was in hospital. Frank takes the fence to pieces but does not have time to put it up again before fetching Betty and Jessica from the hospital. Frank leaves several panels of the fence lying in Maureen’s garden. Several days later Frank has still not moved the fence panels and Maureen’s flowers that are underneath the panels have died as a result. Maureen had given Frank permission to go onto her land to repair the fence. Both Frank and Maureen own their houses.

While Frank is repairing the fence he digs new holes for fence posts and some of the holes extend at least a metre under Maureen’s garden.

Advise Maureen of any claims that she may have against Frank. [50]

- 4 Nicholas lives in a quiet cul-de-sac and each year from November to January he covers the outside of his house with Christmas lights, adding more each year. Nicholas keeps the lights lit throughout the hours of darkness. A neighbour, Ebenezer, often complains to Nicholas that the light prevents him from sleeping despite putting up heavy curtains at his windows, but Nicholas ignores the complaints. Nicholas uses a generator to power the lights and this makes a loud humming noise and vibrations from it can be felt in his neighbours’ houses. The lights have become famous and attract so many people and cars that often Jacob, another neighbour, cannot get into his drive when he returns from work. The heat from the lights is so great that it causes paint to peel on Bob’s house, next door. Ebenezer, Jacob and Bob again complain to Nicholas who says that he will not turn the lights off because they give so many people pleasure. Ebenezer retaliates by playing loud Christmas music through the night to keep Nicholas awake.

Advise Ebenezer, Jacob and Bob on any potential claims that they may bring against Nicholas. [50]

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